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May 24, 2022

**VIA ECF AND ELECTRONIC MAIL**

Hon. Katherine Polk Failla  
United States District Court – SDNY  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: *Alina Flatscher v. The Manhattan School of Music*; No. 1:20-cv-4496 (KPF)

Dear Judge Failla:

Please be advised that we are counsel to Defendant The Manhattan School of Music (“MSM”) in the above-referenced matter. We write on behalf of both Parties to provide the Court with an update as to the current status of discovery and to request permission to conduct a deposition outside of the fact discovery deadline.

On April 27, 2022, the Parties requested an extension of the deadline to depose fact witnesses to May 26, 2022 (see Document #49). On April 28, 2022, Your Honor granted the Parties’ request for an extension. The current deadline for both the deposition of fact witnesses and for all fact discovery is May 26, 2022.

At present, the Parties have completed three depositions and have scheduled all remaining depositions noticed by Plaintiff. The remaining depositions are scheduled as follows:

- Tangella Maddow – May 26, 2022 at 10 a.m.;
- Jeff Breithaupt – May 26, 2022 at 1 p.m.;
- James Gandre – June 6, 2022 from 10 a.m.-1:30 p.m.; and
- Susan Fink – June 14, 2022 at 12 p.m.;

Unfortunately, Mr. Gandre and Ms. Fink were not available until after the May 26<sup>th</sup> deadline for several reasons.

Therefore, the Parties respectfully request that the Court allow the depositions of James Gandre and Susan Fink to proceed outside of the May 26, 2022 deadline on the dates set forth above.

Thank you for your consideration.

Hon. Katherine Polk Failla  
May 24, 2022  
Page 2

Respectfully Submitted,  
BOND, SCHOENECK & KING, PLLC



Gregory B. Reilly

cc: Gregory M. Egleston, Esq. (By ECF)

Application GRANTED. The depositions of Mr. Gandre and Ms. Fink may proceed at the above-specified times. The Court does not contemplate allowing any other fact discovery beyond the current fact discovery cutoff.

The Clerk of Court is directed to terminate the pending motion at docket entry 51.

Dated: May 25, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE